

CHAPTER 214

COURTS

HOUSE BILL 19-1189

BY REPRESENTATIVE(S) Gray and Valdez A., Bird, Galindo, Herod, Jaquez Lewis, Buckner, Duran, Hooton, Lontine, Melton, Mullica, Singer, Titone;
also SENATOR(S) Bridges and Fields, Moreno, Winter.

AN ACT

CONCERNING WAGE GARNISHMENT REFORM, AND, IN CONNECTION THEREWITH, REDUCING DISPOSABLE EARNINGS BY HEALTH INSURANCE PREMIUMS, REDUCING THE AMOUNT THAT IS SUBJECT TO GARNISHMENT, AND PROVIDING MORE DETAILED INFORMATION TO THE JUDGMENT DEBTOR REGARDING GARNISHMENT.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 13-54.5-102, **amend** (1) and (2); and **add** (2.5) as follows:

13-54.5-102. Continuing garnishment - creation of lien. (1) In addition to garnishment proceedings otherwise available ~~under~~ PURSUANT TO the laws of this state in any case in which a money judgment is obtained in a court of competent jurisdiction, the judgment creditor or its assignees ~~shall be~~ ARE entitled, on notice to the judgment debtor required by ~~section 13-54.5-105~~ SECTION 13-54.5-105 (5)(b), to apply to the clerk of such court for garnishment against any garnishee. To the extent that the earnings are not exempt from garnishment, such garnishment ~~shall be~~ IS a lien and continuing levy upon the earnings due or to become due from the garnishee to the judgment debtor CONSISTENT AND IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 13-54.5-105 (6).

(2) Garnishment pursuant to subsection (1) of this section ~~shall be~~ IS a lien and continuing levy against said earnings due for one hundred eighty-two days ~~following service of the writ~~ CONSISTENT AND IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 13-54.5-105 (6) or for one hundred eighty-two days following the expiration of any writs with a priority ~~under~~ PURSUANT TO section 13-54.5-104, but such lien ~~shall be~~ IS terminated earlier than one hundred eighty-two days if earnings are no longer due; the underlying judgment is vacated, modified,

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

or satisfied in full; or the writ is dismissed; except that a continuing garnishment may be suspended for a specified period of time by the judgment creditor upon agreement with the judgment debtor, which agreement shall be in writing and filed by the judgment creditor with the clerk of the court in which the judgment was entered and a copy of which shall be delivered by the judgment creditor to the garnishee.

(2.5) A GARNISHEE IS NOT REQUIRED TO COLLECT, POSSESS, OR CONTROL THE JUDGMENT DEBTOR'S TIPS, AND ANY TIPS ARE NOT OWED BY A GARNISHEE TO A JUDGMENT CREDITOR.

SECTION 2. In Colorado Revised Statutes, 13-54.5-103, **amend** (3); and **repeal** (1) as follows:

13-54.5-103. Property or earnings subject to garnishment. (1) ~~Any earnings owed by the garnishee to the judgment debtor at the time of service of the writ of continuing garnishment upon the garnishee and all earnings accruing from the garnishee to the judgment debtor from such date of service up to and including the ninetieth day thereafter shall be subject to the process of continuing garnishment. A garnishee shall not be required to collect, possess, or control the judgment debtor's tips, and any such tips shall not be owed by a garnishee to a judgment debtor.~~

(3) Notwithstanding the provisions of ~~subsections (1) and (2)~~ SUBSECTION (2) of this section, the exemptions from garnishment required or allowed by law, including but not limited to exemptions provided by sections 13-54-102 and 13-54-104 and 15 U.S.C. sec. 1671 et seq., ~~shall~~ apply to all garnishments.

SECTION 3. In Colorado Revised Statutes, 13-54-104, **amend** (1)(a), (2)(a) introductory portion, and (2)(a)(I) as follows:

13-54-104. Restrictions on garnishment and levy under execution or attachment - definitions. (1) As used in this section, unless the context otherwise requires:

(a) "Disposable earnings" means that part of the earnings of any individual remaining after the deduction from those earnings of any amounts required by law to be withheld and after the deduction of the cost of any health insurance provided by the individual pursuant to section 14-14-112 ~~C.R.S.~~ AND THE COST OF ANY HEALTH INSURANCE FOR THE INDIVIDUAL OR MEMBERS OF THE INDIVIDUAL'S HOUSEHOLD THAT IS PROVIDED BY THE INDIVIDUAL'S EMPLOYER AND WITHHELD FROM THE INDIVIDUAL'S EARNINGS. In the case of an order for the support of a spouse, former spouse, or dependent child, "disposable earnings" includes ~~moneys~~ MONEY voluntarily deposited in tax-deferred compensation funds.

(2) (a) Except as provided in subsection (3) of this section, the maximum part of the aggregate disposable earnings of an individual for any workweek ~~which~~ THAT is subjected to garnishment or levy under execution or attachment may not exceed:

(I) For debts other than debts ~~under subparagraph (II) of this paragraph (a)~~ PURSUANT TO SUBSECTION (2)(a)(II) OF THIS SECTION, the lesser of:

(A) ~~Twenty-five~~ TWENTY percent of the individual's disposable earnings for that week; or

(B) The amount by which the individual's disposable earnings for that week exceed ~~thirty~~ FORTY times the federal minimum hourly wage prescribed by ~~section 206 (a)(1) of title 29 of the United States Code~~ 29 U.S.C. SEC. 206 (a)(1) in effect at the time the earnings are payable; or

(C) The amount by which the individual's disposable earnings for that week exceed ~~thirty~~ FORTY times the state minimum hourly wage pursuant to section 15 of article XVIII of the state constitution in effect at the time the earnings are payable;

(D) NOTWITHSTANDING THE PROVISIONS OF SUBSECTIONS (2)(a)(I)(A), (2)(a)(I)(B), AND (2)(a)(I)(C) OF THIS SECTION, A JUDGMENT DEBTOR MAY FILE A WRITTEN OBJECTION PURSUANT TO SECTION 13-54.5-108 (1)(a), WITHOUT THE NECESSITY OF CONFERRING WITH THE GARNISHEE, AND SEEK A HEARING PURSUANT TO SECTION 13-54.5-109 (1)(a). AT THE HEARING THE JUDGMENT DEBTOR MAY ESTABLISH THAT A GREATER PORTION OF THE JUDGMENT DEBTOR'S DISPOSABLE EARNINGS SHOULD BE EXEMPT FROM GARNISHMENT FOR THE SUPPORT OF THE JUDGMENT DEBTOR OR THE JUDGMENT DEBTOR'S FAMILY SUPPORTED, IN WHOLE OR IN PART, BY THE JUDGMENT DEBTOR. AT SUCH HEARING, THE COURT SHALL, PURSUANT TO SECTION 13-54.5-109(2), DETERMINE WHETHER THE EARNINGS OF THE JUDGMENT DEBTOR FOLLOWING GARNISHMENT, TOGETHER WITH ANY OTHER INCOME RECEIVED BY THE JUDGMENT DEBTOR'S FAMILY, ARE INSUFFICIENT TO PAY THE ACTUAL AND NECESSARY LIVING EXPENSES OF THE JUDGMENT DEBTOR OR THE JUDGMENT DEBTOR AND JUDGMENT DEBTOR'S FAMILY BASED UPON PROOF OF SUCH EXPENSES INCURRED DURING THE SIXTY DAYS PRIOR TO THE HEARING. IN MAKING THIS DETERMINATION, THE LIVING EXPENSES THE COURT MUST CONSIDER INCLUDE, BUT ARE NOT LIMITED TO, THE FOLLOWING: RENT OR MORTGAGE; UTILITIES; FOOD AND HOUSEHOLD SUPPLIES; MEDICAL AND DENTAL EXPENSES; CHILD CARE; CLOTHING; EDUCATION; TRANSPORTATION; AND MAINTENANCE, ALIMONY, OR CHILD SUPPORT. IF THE COURT MAKES A DETERMINATION OF INSUFFICIENCY, IT SHALL ORDER THAT MORE OF THE JUDGMENT DEBTOR'S DISPOSABLE EARNINGS SHOULD BE EXEMPT FROM GARNISHMENT THAN PRESCRIBED BY SUBSECTIONS (2)(a)(I)(A), (2)(a)(I)(B), AND (2)(a)(I)(C) OF THIS SECTION.

SECTION 4. In Colorado Revised Statutes, **repeal and reenact, with amendments,** 13-54.5-105 as follows:

13-54.5-105. Notice to judgment debtor in continuing garnishment. (1) IN THE CASE OF A CONTINUING GARNISHMENT, THE WRIT OF GARNISHMENT MUST BE SERVED ON THE GARNISHEE IN ACCORDANCE WITH RULE 4 OF THE COLORADO RULES OF CIVIL PROCEDURE.

(2) THE WRIT OF GARNISHMENT PURSUANT TO SUBSECTION (1) OF THIS SECTION MUST INCLUDE:

(a) THE NAME OF THE JUDGMENT DEBTOR;

(b) THE LAST-KNOWN PHYSICAL AND MAILING ADDRESSES OF THE JUDGMENT DEBTOR OR A STATEMENT THAT THE INFORMATION IS NOT KNOWN;

(c) THE AMOUNT OF THE JUDGMENT UPON WHICH THE JUDGEMENT CREDITOR BASES THE CONTINUING GARNISHMENT;

(d) INFORMATION SUFFICIENT TO IDENTIFY THE JUDGMENT ON WHICH THE CONTINUING GARNISHMENT IS BASED;

(e) A COMPLETED NOTICE THAT SATISFIES SUBSECTION (3) OF THIS SECTION AND THAT MAY BE INCORPORATED INTO AND MADE A PART OF THE WRIT OF GARNISHMENT; AND

(f) A NOTICE OF COLORADO RULES ABOUT GARNISHMENT THAT SATISFIES SUBSECTION (4) OF THIS SECTION AND THAT IS INCORPORATED INTO AND MADE A PART OF THE NOTICE REQUIRED BY SUBSECTION (2)(e) OF THIS SECTION.

(3) THE NOTICE REQUIRED BY SUBSECTION (2)(e) OF THIS SECTION MUST BE IN SUBSTANTIALLY THE FOLLOWING FORM AND CONSPICUOUSLY LABELED:

NOTICE OF GARNISHMENT

MONEY WILL BE TAKEN FROM YOUR PAY IF YOU FAIL TO ACT

1. WHY AM I GETTING THIS NOTICE?

YOU ARE GETTING THIS NOTICE BECAUSE A COURT HAS RULED THAT YOU OWE THE JUDGMENT CREDITOR, WHO IS CALLED "CREDITOR" IN THIS NOTICE, MONEY. CREDITOR HAS STARTED A LEGAL PROCESS CALLED A "GARNISHMENT". THE PROCESS REQUIRES THAT MONEY BE TAKEN FROM YOUR PAY AND GIVEN TO CREDITOR TO PAY WHAT YOU OWE. THE PERSON WHO PAYS YOU DOES NOT KEEP THE MONEY.

CREDITOR FILLED OUT THIS FORM. THE LAW REQUIRES THE PERSON WHO PAYS YOU TO GIVE YOU THIS NOTICE. CREDITOR MAY NOT BE THE PERSON OR COMPANY TO WHICH YOU ORIGINALLY OWED MONEY. YOU MAY REQUEST THAT CREDITOR PROVIDE THE NAME AND ADDRESS OF THE PERSON OR COMPANY TO WHICH YOU ORIGINALLY OWED MONEY. IF YOU WANT THIS INFORMATION, YOU MUST WRITE CREDITOR OR CREDITOR'S LAWYER AT THE ADDRESS AT THE VERY BEGINNING OF THIS FORM. YOU MUST DO THIS WITHIN 14 DAYS AFTER RECEIVING THIS NOTICE. CREDITOR WILL SEND YOU THIS INFORMATION AT THE ADDRESS YOU GIVE CREDITOR. CREDITOR MUST SEND YOU THIS INFORMATION WITHIN 7 DAYS AFTER RECEIVING YOUR REQUEST. KNOWING THE NAME OF THE ORIGINAL CREDITOR MIGHT HELP YOU UNDERSTAND WHY THE MONEY WILL BE TAKEN FROM YOUR PAY.

2. HOW MUCH DO I OWE?

THE AMOUNT THE COURT HAS RULED THAT YOU CURRENTLY OWE IS LISTED AT THE TOP OF THE WRIT OF GARNISHMENT. THE AMOUNT COULD GO UP IF THERE ARE MORE COURT COSTS OR ADDITIONAL INTEREST. THE INTEREST RATE ON THE AMOUNT YOU OWE IS LISTED AT THE TOP OF THE WRIT OF GARNISHMENT. THE AMOUNT COULD ALSO GO DOWN IF YOU MAKE PAYMENTS TO CREDITOR.

3. HOW WILL THE AMOUNT I OWE BE PAID?

THE PERSON WHO PAYS YOU WILL START TAKING MONEY FROM YOUR

PAYCHECK ON THE FIRST PAYDAY THAT IS AT LEAST 14 DAYS AFTER THE DAY THE PERSON WHO PAYS YOU SENDS YOU THIS NOTICE. MONEY WILL CONTINUE TO BE TAKEN FROM YOUR PAY FOR UP TO 6 MONTHS. IF THE DEBT IS NOT PAID OFF OR NOT LIKELY TO BE PAID OFF BY THAT TIME, CREDITOR MAY SERVE ANOTHER GARNISHMENT.

THE RULES ABOUT HOW MUCH OF YOUR PAY CAN BE TAKEN ARE EXPLAINED IN THE NOTICE OF COLORADO RULES ABOUT GARNISHMENT THAT YOU RECEIVED WITH THIS NOTICE. THIS NOTICE ALSO CONTAINS AN ESTIMATE OF HOW MUCH OF YOUR PAY WILL LIKELY BE WITHHELD EACH PAYCHECK.

AT ANY TIME, YOU CAN GET A REPORT THAT SHOWS HOW THE AMOUNT TAKEN FROM YOUR PAY WAS CALCULATED. TO RECEIVE THIS REPORT, YOU MUST WRITE OR E-MAIL THE PERSON WHO PAYS YOU.

4. DO I HAVE OPTIONS?

YES, YOU HAVE SEVERAL OPTIONS, HERE ARE THREE OF THEM:

A. YOU CAN TALK WITH A LAWYER: A LAWYER CAN EXPLAIN THE SITUATIONS TO YOU AND HELP YOU DECIDE WHAT TO DO. THE SELF-HELP DESK OF THE COURT WHERE THE GARNISHMENT ACTION IS PENDING CAN PROVIDE YOU HELP WITH RESOURCES TO FIND A LAWYER.

B. YOU CAN CONTACT CREDITOR: IF YOU CAN WORK SOMETHING OUT WITH CREDITOR, MONEY MIGHT NOT HAVE TO BE TAKEN FROM YOUR PAY. THE CREDITOR'S CONTACT INFORMATION IS ON THE FIRST PAGE OF THE WRIT OF GARNISHMENT.

C. YOU CAN REQUEST A COURT HEARING: A HEARING COULD BE HELPFUL IF THERE ARE DISAGREEMENTS ABOUT THE GARNISHMENT, THE AMOUNT THE COURT HAS RULED THAT YOU OWE, WHETHER THE AMOUNT OF MONEY BEING WITHHELD FROM YOUR PAYCHECK IS CORRECT, OR WHETHER THE AMOUNT BEING WITHHELD SHOULD BE REDUCED TO HELP YOU SUPPORT YOUR FAMILY AND YOURSELF. IF YOU DISAGREE WITH THE ESTIMATE OF THE AMOUNT OF MONEY THAT WILL BE WITHHELD FROM YOUR PAYCHECK, YOU MUST ATTEMPT TO WORK THIS OUT WITH THE PERSON WHO PAYS YOU BEFORE GOING TO COURT. YOU MUST DO THIS WITHIN 7 DAYS AFTER RECEIVING THIS NOTICE. IF YOU CANNOT WORK IT OUT WITH THE PERSON WHO PAYS YOU, YOU MAY SEEK A HEARING IN COURT. IF YOU WANT A COURT HEARING, YOU MUST REQUEST ONE. IF YOU THINK THAT YOU NEED MORE MONEY TO SUPPORT YOUR FAMILY AND YOURSELF, YOU MAY SEEK A COURT HEARING WITHOUT CONSULTING THE PERSON WHO PAYS YOU. FOR HELP REQUESTING A HEARING, CONTACT THE SELF-HELP DESK OF THE COURT WHERE THE GARNISHMENT ACTION IS PENDING.

5. WHAT IF I DON'T DO ANYTHING?

IF YOU DON'T DO ANYTHING, THE LAW REQUIRES THAT MONEY BE TAKEN OUT OF YOUR PAYCHECK BEGINNING WITH THE FIRST PAYDAY THAT IS AT LEAST 14 DAYS AFTER THE DAY THE PERSON WHO PAYS YOU SENDS YOU THIS NOTICE. THE MONEY WILL BE GIVEN TO CREDITOR. THIS PROCESS WILL CONTINUE FOR 6 MONTHS UNLESS YOUR DEBT IS PAID OFF BEFORE THAT.

6. HOW DOES GARNISHMENT WORK IN COLORADO?

ONLY A PORTION OF YOUR PAY CAN BE GARNISHED. THE AMOUNT THAT CAN BE WITHHELD FROM YOUR PAY DEPENDS ON SOMETHING CALLED "DISPOSABLE EARNINGS". YOUR DISPOSABLE EARNINGS ARE WHAT IS LEFT AFTER DEDUCTIONS FROM YOUR GROSS PAY FOR TAXES AND CERTAIN HEALTH

INSURANCE COSTS. YOUR PAYCHECK STUB SHOULD TELL WHAT YOUR DISPOSABLE EARNINGS ARE.

THE AMOUNT OF YOUR DISPOSABLE EARNINGS THAT CAN BE GARNISHED IS DETERMINED BY COMPARING TWO NUMBERS: (1) 20% OF YOUR DISPOSABLE EARNINGS AND (2) THE AMOUNT BY WHICH YOUR DISPOSABLE EARNINGS EXCEED 40 TIMES THE MINIMUM WAGE. THE SMALLER OF THESE TWO AMOUNTS WILL BE DEDUCTED FROM YOUR PAY.

IF YOU THINK THAT YOUR EARNINGS AFTER GARNISHMENT ARE NOT ENOUGH TO SUPPORT YOURSELF AND ANY MEMBERS OF YOUR FAMILY THAT YOU SUPPORT, YOU CAN TRY TO HAVE THE AMOUNT OF YOUR DISPOSABLE EARNINGS THAT ARE GARNISHED FURTHER REDUCED. THIS IS DISCUSSED EARLIER IN THIS NOTICE UNDER 4. **DO I HAVE OPTIONS?**

YOUR EMPLOYER CANNOT FIRE YOU BECAUSE YOUR EARNINGS HAVE BEEN GARNISHED. IF YOUR EMPLOYER DOES THIS IN VIOLATION OF YOUR LEGAL RIGHTS, YOU MAY FILE A LAWSUIT WITHIN 91 DAYS OF YOUR FIRING TO RECOVER WAGES YOU LOST BECAUSE YOU WERE FIRED. YOU CAN ALSO SEEK TO BE REINSTATED TO YOUR JOB. IF YOU ARE SUCCESSFUL WITH THIS LAWSUIT, YOU CANNOT RECOVER MORE THAN 6 WEEKS WAGES AND ATTORNEY FEES.

BASED ON YOUR MOST RECENT PAYCHECK, THE PERSON WHO PAYS YOU ESTIMATES THAT \$ _____ WILL BE WITHHELD FROM EACH PAYCHECK THAT IS SUBJECT TO GARNISHMENT.

(4) THE NOTICE REQUIRED BY SUBSECTION (2)(f) OF THIS SECTION MUST:

(a) HAVE A HEADING STATING THAT IT EXPLAINS WAGE GARNISHMENT IN COLORADO; AND

(b) REASONABLY INFORM THE JUDGMENT DEBTOR OF:

(I) THE LIMITS ON WAGE GARNISHMENT PURSUANT TO SECTION 13-54-104;

(II) EXEMPTIONS FROM AND LIMITS ON GARNISHMENT AND PROTECTIONS PURSUANT TO THE LAWS OF COLORADO; AND

(III) AN ESTIMATE, BASED ON THE JUDGMENT DEBTOR'S MOST RECENT PAYCHECK AND PREPARED BY THE GARNISHEE, OF THE AMOUNT THAT WOULD LIKELY BE WITHHELD FROM THE JUDGMENT DEBTOR'S PAYCHECKS IN THE FUTURE.

(5) NOT LATER THAN SEVEN DAYS AFTER BEING SERVED WITH A WRIT OF GARNISHMENT:

(a) IF ONE OF THE FOLLOWING GROUNDS APPLIES, THE GARNISHEE SHALL SEND NOTICE TO THE JUDGMENT CREDITOR STATING THE APPLICABLE GROUND:

(I) THE JUDGMENT DEBTOR IS NOT AN EMPLOYEE OF THE GARNISHEE; OR

(II) THE WRIT OF GARNISHMENT DOES NOT CONTAIN ALL INFORMATION REQUIRED BY SUBSECTION (2) OF THIS SECTION.

(b) IF SUBSECTION (5)(a) OF THIS SECTION DOES NOT APPLY, THE GARNISHEE SHALL:

(I) SEND TO THE JUDGMENT CREDITOR A NOTICE THAT INCLUDES:

(A) A STATEMENT THAT THE NAMED JUDGMENT DEBTOR IS AN EMPLOYEE OF THE GARNISHEE;

(B) THE PAY FREQUENCY OF THE JUDGMENT DEBTOR AND THE DATE OF THE FIRST PAYDAY THAT IS AT LEAST TWENTY-ONE DAYS AFTER THE GARNISHEE WAS SERVED WITH THE WRIT OF GARNISHMENT IN ACCORDANCE WITH SUBSECTION (1) OF THIS SECTION OR THE FIRST PAYDAY AFTER THE EXPIRATION OF ANY PRIOR EFFECTIVE WRIT OF GARNISHMENT THAT IS AT LEAST TWENTY-ONE DAYS AFTER SERVICE OF THE WRIT ON THE GARNISHEE;

(C) IF THE JUDGMENT DEBTOR'S EARNINGS ARE SUBJECT TO DEDUCTIONS OTHER THAN WITHHOLDING FOR LOCAL, STATE, AND FEDERAL INCOME TAXES AND PURSUANT TO THE "FEDERAL INSURANCE CONTRIBUTIONS ACT", 26 U.S.C. SEC. 3101 ET SEQ., AS AMENDED, THE NATURE, NUMBER, AND AMOUNTS OF THESE DEDUCTIONS AND THE RELATIVE PRIORITY OF THE WRIT OF GARNISHMENT; AND

(II) SEND TO THE JUDGMENT DEBTOR ON THE SAME DAY THE NOTICE REQUIRED BY SUBSECTION (5)(b)(I) OF THIS SECTION IS SENT TO THE JUDGMENT CREDITOR A COPY OF THE WRIT OF GARNISHMENT AND THE NOTICES REQUIRED PURSUANT TO SUBSECTIONS (2)(e) AND (2)(f) OF THIS SECTION.

(6) IF SUBSECTION (5)(b)(I) OF THIS SECTION APPLIES, THE GARNISHEE SHALL BEGIN GARNISHMENT ON THE FIRST PAYDAY THAT OCCURS AT LEAST TWENTY-ONE DAYS AFTER THE GARNISHEE WAS SERVED WITH THE WRIT OF GARNISHMENT IN ACCORDANCE WITH SUBSECTION (1) OF THIS SECTION OR THE FIRST PAYDAY AFTER THE EXPIRATION OF ANY PRIOR EFFECTIVE WRIT OF GARNISHMENT THAT IS AT LEAST TWENTY-ONE DAYS AFTER SERVICE OF THE WRIT ON THE GARNISHEE.

SECTION 5. In Colorado Revised Statutes, 13-54.5-107, **amend** (1) as follows:

13-54.5-107. Service of notice upon judgment debtor. (1) In a case of continuing garnishment, the garnishee shall deliver a copy of the writ of garnishment AND NOTICES required by section 13-54.5-105 to the judgment debtor ~~at the time the judgment debtor receives earnings for the first pay period affected by such writ of continuing garnishment~~ IN ACCORDANCE WITH THE PROVISIONS OF SECTION 13-54.5-105 (5)(b)(II).

SECTION 6. In Colorado Revised Statutes, 13-54.5-108, **amend** (1)(a) as follows:

13-54.5-108. Judgment debtor to file written objection or claim of exemption. (1) (a) In a case of continuing garnishment where the judgment debtor objects to the calculation of the amount of exempt earnings, the judgment debtor shall have seven days from receipt of the copy of the writ of continuing garnishment required by section 13-54.5-105 within which to resolve the issue of such miscalculation, by agreement with the garnishee, during which time the garnishee shall not tender any ~~moneys~~ MONEY to the clerk of the court OR JUDGMENT CREDITOR. If such objection is not resolved within seven days and after good faith effort, the judgment debtor may file a written objection with the clerk of the court

in which the judgment was entered setting forth with reasonable detail the grounds for such objection. THE JUDGMENT DEBTOR MAY ALSO FILE A WRITTEN OBJECTION WITH THE CLERK OF THE COURT IN WHICH THE JUDGMENT WAS OBTAINED PURSUANT TO SECTION 13-54-104 (2)(a)(I)(D). The judgment debtor shall, by certified mail, return receipt requested, deliver immediately a copy of such objection to the judgment creditor or his or her attorney of record.

SECTION 7. Act subject to petition - effective date - applicability. (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act only applies to all writs of garnishment issued on or after October 1, 2020, regardless of the dates of entry of the judgments upon which the writs of garnishment are based; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2020 and, in such case, will apply to all writs of garnishment issued on or after the date of the official declaration of the vote thereon by the governor, regardless of the dates of entry of the judgments upon which the writs of garnishment are based.

Approved: May 20, 2019